

Translation

PATENT COOPERATION TREATY

PCT/DE2003/003601



PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 88 S 6136 PCT	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/DE2003/003601	International filing date (<i>day/month/year</i>) 29 October 2003 (29.10.2003)	Priority date (<i>day/month/year</i>)
International Patent Classification (IPC) or national classification and IPC F01C 11/00		
Applicant SL-TRADE MARKS GMBH		

1.	This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2.	This REPORT consists of a total of <u>4</u> sheets, including this cover sheet. <input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT). These annexes consist of a total of <u>3</u> sheets.
3.	This report contains indications relating to the following items: I <input checked="" type="checkbox"/> Basis of the report II <input type="checkbox"/> Priority III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability IV <input type="checkbox"/> Lack of unity of invention V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI <input type="checkbox"/> Certain documents cited VII <input type="checkbox"/> Certain defects in the international application VIII <input type="checkbox"/> Certain observations on the international application

Date of submission of the demand 21 May 2005 (21.05.2005)	Date of completion of this report 23 June 2005 (23.06.2005)
Name and mailing address of the IPEA/EP Facsimile No.	Authorized officer Telephone No.

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I. Basis of the report

1. With regard to the elements of the international application:*

- ☐ the international application as originally filed
- ☒ the description:
 pages 1-34, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☒ the claims:
 pages 4, 5, 7, 10-21, as originally filed
 pages _____, as amended (together with any statement under Article 19
 pages _____, filed with the demand
 pages 1, 6, filed with the letter of 14 July 2004 (14.07.2004)
- ☒ the drawings:
 pages 1/21-21/21, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
 pages _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

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V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1, 4-7, 10-21	YES
	Claims		NO
Inventive step (IS)	Claims	1, 4-7, 10-21	YES
	Claims		NO
Industrial applicability (IA)	Claims	1, 4-7, 10-21	YES
	Claims		NO

2. Citations and explanations

This report makes reference to the following documents:

D1: WO 02/084078 A (STERK MARTIN) 24 October 2002
(2002-10-24)

D2: US-A-3 588 297 (CRUMP WOODFORD J) 28 June 1971
(1971-06-28)

D1, which is considered to represent the prior art closest to the subject matter of claims 1 and 6, discloses a rotary piston thermal engine device according to the preamble of claim 1. In contrast to the present independent claims, D1 lacks the compensating element described in the characterizing part of the claims.

The subject matter of claims 1 and 6 is therefore novel (PCT Article 33(2)).

D2 shows a pneumatically-driven motor (that is, a motor of an entirely different type) which, however, likewise has two fixedly coupled motor elements which have a compensating element. However, said compensating element is neither a cogged belt, as per the characterizing part of claim 1, nor is continuously adjustable between two rolls, as per claim 6. Therefore, the compensating device

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of D2 could not be incorporated in D1 in order to achieve the claimed subject matter, even if a person skilled in the art were to refer to D2.

The solution to this problem proposed in claims 1 and 6 of the present application therefore involves an inventive step (PCT Article 33(3)).

Claims 4, 5, 7 and 10-21 are dependent on claim 1 or claim 6 and therefore likewise meet the PCT requirements for novelty and independent step.